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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Darois, et al.
Serial No.: 09/661,623
Confirmation No.: 8712
Filed: September 14, 2000
For: IMPLANTABLE PROSTHESIS

Examiner: W. H. Matthews
Art Unit: 3774

MAIL STOP RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Examiner's attention is directed to the enclosed European Search Report for European Application No. EP 07 11 3064 which is a family member of the present application.

The Applicant would again like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Atty Docket No.</u>
09/900707	06-July-2001	Darois et al.	D0188.70126US00

Applicant previously informed the Patent Office of this co-pending application in the Information Disclosure Statement dated June 20, 2007. Applicant invites the Examiner to review the prosecution of the co-pending application to consider if rejections made or references applied against the claims in the co-pending application may be relevant to the present application. Enclosed is a copy of the most recent Office Action mailed on September 14, 2007 in connection with the co-pending application. If the Examiner would like a copy of any other document(s) related to this application, the Examiner is invited to contact the undersigned.

The Applicant would like to bring to the Examiner's attention that additional documents have been cited in the opposition filed with the European Patent Office against European Patent No. 1 317 227. Enclosed are copies of the additional opposition documents which include:

- Further Submissions of Opponent dated December 24, 2007 (6 pages)
- D11 - WO 01/43789

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified PTO/SB/08):

The relevance of French reference FR 2 766 716 may be determined from its English abstract attached thereto, as well as previously cited references WO 99/06079 and US 6,264,702, which are family members of FR 2 766 716.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

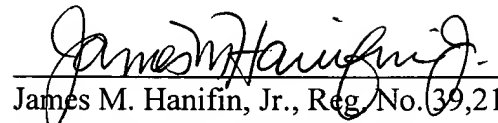
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Respectfully submitted,

By:


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